



Legislative Bulletin.....September 10, 2001

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H.R. 695 – Establish the Oil Region National Heritage Area (Peterson, John)

Order of Business: The bill is scheduled to be considered on September 10, 2001, under a motion to suspend the rules.

Summary: The bill establishes the Oil Region National Heritage Area in Northwestern Pennsylvania and authorizes technical assistance and \$10 million over the next 15 years for the Oil Heritage Region, Inc., a nonprofit management corporation. The Corporation is permitted to spend federal funds to make grants and enter cooperative agreements with the State or local governments, private organizations, and individuals; hire staff; and undertake initiatives for the purpose of among other things:

1. establishing and maintaining interpretive exhibits in the Heritage Area;
2. developing recreational resources in the Heritage Area;
3. increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area;
4. the restoration of any historic building relating to the themes of the Heritage Area;
5. ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and
6. encourage by appropriate means economic viability in the Heritage Area consistent with the goals of the management plan.

Federal funds may not be used to acquire real property or an interest in real property.

Federal funds may not be used to pay more than 50% of the total cost of any activity.

Additional Information: The bill duplicates the already existing State Heritage Area that covers the same area and serves essentially the same purpose.

Cost to Taxpayers: The bill authorizes appropriations of not more than \$1 million for any fiscal year and not more than a total of \$10 million over the next fifteen years.

Does the Bill Create New Federal Programs or Rules?: YES, the bill establishes a new national heritage and authorizes appropriations and technical assistance for non-profit corporation.

Constitutional Authority: The Committee report cites Article I, Section 8, but fails to cite a specific authority for federal involvement in this activity.

Staff Contact: Neil Bradley, x6-9717.

H.R. 434 – Emigrant Wilderness Preservation Act (Doolittle)

Order of Business: The bill is scheduled to be considered on September 10, 2001, under a motion to suspend the rules.

Summary: The bill directs the Secretary of Agriculture to enter into a cooperative agreement with a non-Federal entity for the purpose of retaining, maintaining, and operating at private expense 12 of the 18 water impoundment structures (damns) located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California. The Secretary has the option, with the consent of the State of California to expand the agreement to include the 6 remaining impoundment structures. The non-federal entity is responsible for operating the structures in accordance with a plan approved by the Secretary and in compliance with all applicable State and Federal requirements.

Cost to Taxpayers: The bill authorizes \$20,000 to cover the administrative costs of the Secretary.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: The Committee cites Article I, Section 8, and Article IV, Section 3 (power to dispose of and make all rules regarding property belong to the United States) of the Constitution.

Staff Contact: Neil Bradley, x6-9717.

H.R. 1937 – Pacific Northwest Feasibility Studies Act of 2001 (Larsen)

Order of Business: The bill will be considered under suspension of the rules on Monday, September 10, 2001.

Summary: H.R. 1937 would authorize the Secretary of the Interior to conduct three water quality and quantity feasibility studies for three different Indian tribes in the state of Washington. Two of the studies would identify ways to meet future water distribution needs of the Tulalip Indian Reservation and the Makah Indian Tribe. The third study would identify additional rural water sources for the Lower Elwha Indian Reservation.

Cost to Taxpayers: Based on information from the Bureau of Reclamation, CBO estimates that implementing H.R. 1937 would cost less than \$1 million over the 2002-2003 period, subject to appropriations. H.R. 1937 would impose no costs on state, local, or tribal governments.

Constitutional Authority: The Committee finds authority under Article I, section 8 of the Constitution (Powers of Congress), but fails to reference a specific clause.

Does the Bill Create New Federal Programs or Rules: YES, the bill authorizes three new federal studies.

RSC Staff Contact: Sheila Moloney x6-9719

HR 1628— To amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail (Rodriguez)

Order of Business: The bill will be considered under suspension of the rules on Monday, September 10, 2001.

Summary: The bill will amend the National Historic Trails Act to add the El Camino Real de los Tejas (The Royal Road to the Tejas) as a National Historic Trail, a combination of routes totaling 2,580 miles in length from the Rio Grande near Eagle Pass and Laredo, Texas to Natchitoches, Louisiana, and including the Old San Antonio Road. The bill authorizes the Secretary of the Interior to administer the trail and coordinate an international effort of U.S. and Mexican public and private entities on various preservation and enhancement projects.

The bill contains the following section entitled Private Property Rights Protection:

Designation of El Camino Real de los Tejas under this Act does not itself confer any additional authority to apply other existing Federal laws and regulations on non-Federal lands along the trail. Laws or regulations requiring public entities and agencies to take into consideration a national historic trail shall continue to apply notwithstanding the foregoing. **On non-Federal lands, the national historic trail shall be established only when landowners voluntarily request certification of their sites and segments of the trail** consistent with section 3(a)(3) of the National Trails System Act. Notwithstanding section 7(g) of such Act, the United States is

authorized to acquire privately-owned real property or an interest in such property for purposes of the trail **only with the willing consent** of the owner of such property and shall have no authority to condemn or otherwise appropriate privately-owned real property or an interest in such property for the purposes of El Camino Real de los Tejas National Historic Trail.” (emphasis added)

Cost to Taxpayers: CBO estimates that implementing this legislation would cost \$250,000 in FY2002 and between \$350,000 and \$450,000 annually thereafter, subject to appropriation. Based on information provided by the National Park Service (NPS), CBO estimates that the agency would spend \$300,000, mostly in fiscal years 2002 and 2003, to prepare a comprehensive management plan. Also, the NPS would incur ongoing costs to administer and preserve the trail—about \$100,000 in fiscal year 2001 and increasing to \$400,000 annually by fiscal year 2003.

Constitutional Authority: The Committee finds authority under Article I, section 8 of the Constitution (Powers of Congress), but fails to reference a specific clause.

Does the Bill Create New Federal Programs or Rules: The bill adds land to a the National Historic Trails and creates new Interior Department jurisdiction over land from Texas to Louisiana along the Rio Grande.

RSC Note: This bill would authorize an additional 2,580 miles of land to come under federal jurisdiction. Last year’s cost estimates of the maintenance backlog for federally owned properties, including the national park system, ranged anywhere from \$8 to \$15 billion.

RSC Staff Contact: Sheila Moloney x6-9719

H.R. 2133 – Establishing the Commemoration of the 50th Anniversary of Brown v Board of Education Commission (Concur in Senate Amendment) (Ryun)

Order of Business: The bill will be considered under suspension of the rules on Monday, September 10, 2001.

Summary: The House is agreeing to the Senate Amendment. The Senate

- 1) added two commissioners from the Dept. of Justice appointed by the Attorney General;
- 2) changed the chairman position to a co-chair position by adding one DOJ commissioner to serve as a co-chair with one Education Department commissioner.
- 3) modified the procedures as to how the House and Senate will recommend their five commissioners to the President, who will then appoint 11 commissioners (5 House, 5 Senate, 1 DC)

The House originally passed H.R. 2133 on June 27, 2001 by a vote of 414-2, Roll Call #198
See RSC legislative bulletin 6/27/01 for further background:

<http://www.house.gov/burton/RSC/LB62701.PDF>

Cost to Taxpayers: The bill authorizes \$250,000 for the Commission for the period of FY2003-FY2004.

Constitutional Authority: A committee report citing Constitutional Authority is still unavailable.

Does the Bill Create New Federal Programs or Rules: Yes. It creates and new commission and mandates reports to the President and Congress.

Other Information: RSC member Rep. Jim Ryun, the original House sponsor is OK with the Senate amendments.

RSC Staff Contact: Sheila Moloney x6-9719

H.R. 788—To provide for the conveyance of the excess Army Reserve Center in Kewaunee, Wisconsin (Green, Mark)

Order of Business: The bill will be considered under suspension of the rules on Monday, September 10, 2001.

Summary: H.R. 788 as reported to the House requires the GSA to convey the right, title, and interest of the Army Reserve Center in Kewaunee, Wisconsin to the City to be occupied by the City or another local or State government entity approved by the City. If during the 20-year period after the land is conveyed to the City, the GSA Administrator “determines” that the conveyed property is not being used and occupied in accordance with this bill, the property will revert back to the federal government and immediately proceed to public sale (these proceeds would go to the Land and Water Conservation Fund).

According to the bill sponsor, the Reserve Center has not been used since 1996 and the land has been going through the GSA disposal process. A survey paid for by the city, which must be satisfactory to the GSA Administrator, will be conducted to obtain the exact acreage to be conveyed. H.R. 788 forbids the land to be used for any commercial purpose and the GSA Administrator may require “such additional terms and conditions” for the land transfer that the Administrator “considers appropriate to protect the interests of the United States”.

Cost to Taxpayers: A CBO report is unavailable. According to the bill sponsor, the land and property to be conveyed is under \$500,000. H.R. 788 would transfer the land without any payment to the federal government and the City will pay for the cost of the necessary survey.

Constitutional Authority: A committee report citing Constitutional Authority is unavailable.

Does the Bill Create New Federal Programs or Rules: No.

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